

To: **Mayor and City Council**
Through: **Ryan Schroeder, City Manager**
From: **Brian Sturgeon, Chief of Police**
Date: **February 24, 2020**

Tobacco Compliance Check Failures, Sanction Hearings

BACKGROUND INFORMATION:

Each year the police department conducts tobacco compliance checks on City-licensed establishments. In addition, there may be license violations that occur throughout the year due to the result of a different type of activity such as the police encountering a juvenile who possesses tobacco and they provide a statement saying they purchased the product at the licensed establishment.

In performing compliance checks, the police department utilizes age appropriate individuals who are under police supervision. The individual is a juvenile participant with their parent or guardian's consent. The individual's appearance is not altered.

The underage buyer is searched by the officers prior to going into an establishment to ensure they do not possess any tobacco products and possess recorded currency and their Minnesota Identification Card or Driver's License. These individuals will enter an establishment and attempt to purchase a tobacco product. The individuals will not lie about their age and will provide their ID upon request of the seller. If the officers observe or are alerted to a prohibited sale, they confront the seller for violating Minnesota State Statute 609.685 sub. 1a(a) – Sale of Tobacco to Children.

In addition to the individual criminal charge to the store employee, by City Code, licensed establishments that fail a compliance check or commit another type of license violation are subject to civil sanctions. Tobacco sanctions have reduced flexibility as they are articulated in state statute and city code.

During the past tobacco compliance check on November 20, 2019 the below establishment(s) failed:

- Steven's Tobacco
- Jerry's Enterprises, dba Cub Foods

Tonight is the sanction hearing for the license holders and store clerks that sold tobacco to an underage individual. Each license holder and store clerk has been duly notified of this hearing pursuant to state statute. Each individual has a right to provide testimony, evidence, and/or witnesses. There will be two separate hearings, one for Steven's Tobacco and one for Jerry's Enterprises.

FISCAL IMPACT:

		Amount
Fund:	101	\$375.00
Department:	3000	
Account:	3220	

STAFF RECOMMENDATION:

Hold a sanction hearing, review and discuss the recommended sanctions and if appropriate pass the applicable resolution adopting the proper civil sanctions for the particular license violation. Finally, directed staff to send a letter and invoice to those establishments and individuals where a fee was imposed and/or follow-up with any other imposed sanctions.